

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

**BLACKBERRY BOTANICALS dba  
BLACKBERRY SPRINGS FARM,  
NEAL LAFERRIERE,  
ELIZABETH LAFERRIERE,  
ION MOCCO,  
A.L., a minor,  
A.L., a minor,  
N.L. II, a minor,  
Through their parents and next of friends and  
MATTHEW P. HALE,**

**Plaintiffs,**

**v.**

**Civil Action No. 5:19-cv-00182**

**EQUITRANS MIDSTREAM CORPORATION,  
MOUNTAIN VALLEY PIPELINE, LLC,  
US TRINITY ENERGY SERVICES, LLC,  
SWANSON GROUP AVIATION, LLC, and  
AG MAX, LLC,**

**Defendants.**

**ORDER GRANTING PETITION OF PLAINTIFFS NEAL AND ELIZABETH  
LAFERRIERE, AS BIOLOGICAL PARENTS AND NEXT FRIENDS OF MINOR  
PLAINTIFFS A.L., A.L. & N.L. II, FOR COURT APPROVAL & CONFIRMATION  
OF A SETTLEMENT ON BEHALF OF A.L., A.L. & N.L. II  
PURSUANT TO WEST VIRGINIA CODE §44-10-14**

On May 22, 2020, came the parties by their respective counsel and came Michael R. Whitt, Esquire, the appointed guardian *ad litem* for minors A.L., A.L. & N.L. II, for a telephonic hearing on the Summary Proceeding Petition of minor Plaintiffs A.L., A.L. & N.L. II.

Thereupon, the Court did receive the statement of the parties, the testimony of the witnesses, including Plaintiffs Neal and Elizabeth Laferriere and the guardian *ad litem* who tendered unto this Court his Answer, asking that the same be filed with the Court. The Court,

having inspected the Answer of the guardian *ad litem* and perceiving no objection thereto, accordingly **ORDERS** that the Answer of the guardian *ad litem* be filed with the Court. Thereafter, upon the conclusion of the testimony, Plaintiffs moved the Court to grant the prayer of said Petition in order to consummate the settlement agreement therein, averring that it is fair, reasonable and it would serve the best interest of minor Plaintiffs A.L., A.L. & N.L. II. After a review of all of the evidence, the Court hereby finds that the facts set out in said Petition are true and that the prayer of said Petition is proper legally; therefore, the Court concludes that the settlement is fair, reasonable and that the approval thereof, in accordance with West Virginia Code §44-10-14, would promote the best interest of the minor.

Accordingly, the Court **ORDERS** that Plaintiffs Neal and Elizabeth Laferriere, the biological parents and next friends of said minors, be authorized and directed to consummate said settlement of all claims in exchange for the confidential sum identified in the (Doc. 111) Petition from Defendants Equitrans Midstream Corporation, Mountain Valley Pipeline, LLC, US Trinity Energy Services, LLC, Swanson Group Aviation, LLC and Ag-Max, LLC, in full settlement, satisfaction and discharge of all claims of said minors arising out of, connected with, by reason of or resulting from the incidents described in the Petition. In addition, the Court **ORDERS** that Plaintiffs Neal and Elizabeth Laferriere, the biological parent and next friend of said minor, execute and deliver to Defendants Equitrans Midstream Corporation, Mountain Valley Pipeline, LLC, US Trinity Energy Services, LLC, Swanson Group Aviation, LLC and Ag-Max, LLC, a proper, apt and valid Release which releases and discharges the Defendants from all claims or demands of said minor that the minors may have or may ever have by reason

of and growing out of said incident and the injuries or physical conditions of the said minor as set forth in said Petition.

Furthermore, the Court **AUTHORIZES**, in accordance with the (Doc. 111) Petition, the confidential attorney fee to Thompson Barney and Ziegler & Ziegler, LC; the confidential litigation costs; the confidential respective net proceeds to minor Plaintiffs A.L., A.L. and N.L. II and the confidential remainder of the settlement proceeds to Plaintiffs Neal & Elizabeth Laferriere, Matthew P. Hale and Ion Mocco. Plaintiffs Neal & Elizabeth Laferriere, as the biological parents and next friends of minor Plaintiffs A.L., A.L. & N.L. II, are **ORDERED** to pay any medical expenses, hospital bills or any other related expenses, if any, incurred because of said incidents alleged in the Petition with the respective settlement trust proceeds and Plaintiffs shall be responsible for satisfying all related liens, if any. Likewise, the Court hereby **ORDERS** that Defendants Equitrans Midstream Corporation, Mountain Valley Pipeline, LLC, US Trinity Energy Services, LLC, Swanson Group Aviation, LLC and Ag-Max, LLC, be discharged and released from any liability, obligation or burden arising from or growing out of the incidents described in the Petition.

Moreover, the Court **ORDERS** that the aforementioned settlement trust proceeds be deposited with an F.D.I.C. insured institution in separate interest-bearing savings accounts or other appropriate investment accounts approved by the Court in the respective names of the minors. These respective settlement trust accounts shall remain in the respective names of the minors until the respective minor reaches the age of majority. Plaintiffs Neal and Elizabeth Laferriere, as the biological parents and next friends of minor Plaintiffs A.L., A.L. & N.L. II, shall be permitted to disburse the funds in these settlement trust accounts prior to the time the

respective minor reaches the age of majority only after obtaining approval from the Court. Whenever the respective settlement trust proceeds are deposited into a financial institution, such institution shall, within ten (10) days of receipt of such funds, file with the Clerk of the Court an acknowledgment that the funds have been received, that such funds may be withdrawn only by the respective minors upon reaching the age of majority or upon order of the Court, pursuant to West Virginia Code §44-10-14(g)(4).

Furthermore, the Court **ORDERS** that Plaintiffs Neal and Elizabeth Laferriere are not required to file annual reports with the Court. However, Plaintiffs Neal and Elizabeth Laferriere agree to record carefully all disbursements made from the respective settlement trust proceeds of the minors and will be prepared to file an accounting with the Court, if such an accounting is requested of them by the Court.

In accordance with the provisions of West Virginia Code §44-10-14(h)(4), the Court **ORDERS** that the reference to the fiduciary supervisor or any other County official, be and the same hereby is revoked and/or waived since the respective net amounts paid to the minor Plaintiffs are less than Twenty-Five Thousand Dollars (\$25,000.00).

The Court **ORDERS** that Michael R. Whitt, Esquire, be awarded a fee in the sum of \$ 2,000.00 for his services as guardian *ad litem* in this matter which is to be paid by Defendants, with Defendants Equitrans Midstream Corporation, Mountain Valley Pipeline, LLC and U.S. Trinity Energy Services, LLC, being responsible for one-third ( $\frac{1}{3}$ ) of the fee, Defendant Ag Max, LLC, being responsible for one-third ( $\frac{1}{3}$ ) of the fee and Defendant Swanson Group Aviation, LLC, being responsible for one-third ( $\frac{1}{3}$ ) payment of the fee.


Whereupon, Plaintiffs, having nothing further to be done in this matter, moved to dismiss this case. The Court, after determining that all matters in controversy in this case have been compromised, settled and agreed, is of the opinion to and hereby does **GRANT** said Motion. Consequently, this matter is **DISMISSED** with prejudice and shall be removed from the docket of this Court.

**IT IS SO ORDERED.**

The Clerk of this Court is hereby **ORDERED** and **DIRECTED** to send certified copies of this Order to all parties of record.

**ENTERED:** This the 22nd day of May, 2020.



  
Frank W. Volk  
United States District Judge

**PREPARED BY:**

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